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45 UNITED STATES DISTRICT COURT
6 NORTHERN DISTRICT OF CALIFORNIA7
8 UNITED STATES OF AMERICA, No. CR-07-00462-1 (JCS)
9 Plaintiff(s),10 v. **ORDER FOR PRETRIAL PREPARATION
11 WILLIAM SPIKER, FOR CRIMINAL BENCH TRIAL**
12 Defendant(s). /13
14 Following the Status Conference held on September 14, 2007, at 10:30 a.m., IT IS HEREBY
15 ORDERED THAT:

- 16 1. **TRIAL DATE**
 - 17 a. Trial by the Court will begin on **November 13, 2007 at 8:30 a.m.**, in
 - 18 Courtroom A, 15th Floor, 450 Golden Gate Avenue, San Francisco,
 - 19 California.
- 20 b. The length of the trial shall be not more than one (1) day.
- 21 2. **DISCOVERY**
 - 22 a. Both sides will comply with the Federal Rules of Criminal Procedure, and the
 - 23 United States will comply with *Brady v. Maryland*, 373 U.S. 83 (1963),
 - 24 *Giglio v. United States*, 405 U.S. 150 (1972), and *United States v. Agurs*, 427
 - 25 U.S. 97 (1976).
- 26 3. Not less than two (2) weeks before the trial, the parties shall complete the following:
 - 27 1) Serve and file a pretrial statement pursuant to Crim. L.R. 17.1-1(b).

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- 1 (a) A description of each offense charged in the case.
- 2 (b) A description of all of the relevant facts upon which the parties
- 3 agree.
- 4 (c) A description of all of the relevant facts upon which the parties
- 5 disagree.
- 6 (d) A description of the law applicable to each alleged offense,
- 7 including, but not limited to, a listing of the elements of each
- 8 alleged offense and affirmative defense and any instructions
- 9 that the Court should consider in reaching a decision in the
- 10 case.
- 11 (e) Points of law on any other issues relevant to the trial, including
- 12 all foreseeable procedural and evidentiary issues.
- 13 3) Serve and file any motions in limine.
- 14 4) Serve and file a numerical list of each party's exhibits, including a
- 15 brief statement describing the substance and purpose of each exhibit
- 16 and the name of the sponsoring witness.
- 17 5) Serve and file a list of the witnesses that each party intends to call at
- 18 the trial, not including rebuttal witnesses, setting forth for each witness
- 19 the substance of their testimony.
- 20 6) Exchange exhibits, which shall be **pre-marked** (plaintiff shall use
- 21 numbers; defendant shall use non-duplicative consecutive numbers as
- 22 agreed in advance) and **tabbed**.
- 23 7) Deliver three (3) sets of all pre-marked exhibits to chambers (exhibits
- 24 are not to be filed). Chambers' copies are to be 3-hole punched at the
- 25 side suitable for insertion into standard binders.

26 4. Not less than one (1) week prior to the Trial, the parties shall:

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- 1 a. Serve and file any objections to the opposing party's witnesses or to the
- 2 exhibits on the opposing party's exhibit list, setting forth a detailed basis for
- 3 each objection.
- 4 b. Serve and file any opposition to any motion in limine (there shall be no reply
- 5 briefs).

6 5. No party shall be permitted to call any witness (other than calling Defendant as a
7 witness in his case) or offer any exhibit in their case in chief that is not disclosed pursuant to this
8 Pretrial Order, without leave of Court for good cause shown.

9 6. All documents filed with the Clerk of the Court shall list the civil case number filed
10 only by the initials "JCS." One copy must be clearly marked as a chambers copy.

11 IT IS SO ORDERED.

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13 DATED: September 18, 2007

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16 JOSEPH C. SPERO
United States Magistrate Judge